

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATE OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Criminal Action No. 08-15 GMS
)	
JEMAIN Z. DAVIS,)	
)	
Defendant.)	

DEFENDANT'S MOTION TO CONTINUE SENTENCING DATE

Pursuant to Rule 32 of the Federal Rules of Criminal Procedure, defendant Jemain Z. Davis hereby moves the Court to enter an order continuing the sentencing of June 25, 2008. In support of his motion, Davis states as follows:

1. On March 17, 2008, Jemain Davis pled guilty to (a) conspiracy to commit wire fraud and (b) illegal monetary transaction.
2. Davis has cooperated with the pre-sentence investigation ordered by the Court and a draft copy of said report has been completed.
3. The Government has prosecuted Davis on the theory that he is a member of a "hub and spoke" conspiracy, with Davis being a "spoke" and co-defendant Anthony Lofink being the "hub." Lofink was apparently at the center of fraudulent transactions totaling over \$1 million, while Davis was involved in \$225,284.87 of said transactions.
4. The Government has advised the undersigned that it views co-defendant Lofink as the "most culpable" of the co-defendants, all of whom have pled guilty. Counsel expects that the facts will support a more punitive sentence for Lofink than for Davis and the other "spoke" defendants.

5. Rule 32(a) indicates, in pertinent part:

“Sentence shall be imposed without unnecessary delay, but the Court may, when there is a factor important to the sentencing determination that is not then capable of being resolved, postpone the imposition of sentence for a reasonable time until the factor is capable of being resolved.”

6. Davis submits that the “hub” (Lofink) should be sentenced prior to Davis because Davis’ sentence should be informed by the Court’s perspective on the culpability and appropriate sentence for co-defendant Lofink.

7. The Government has indicated that it has no opposition to this motion. Pre-sentence investigator Martin Durkin, likewise, has no opposition to this motion.

WHEREFORE Defendant Davis respectfully requests the Court to enter an Order continuing the sentencing until after the sentencing of co-defendant Anthony Lofink.

/s/ James J. Haley, Jr. (#2997)
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Dated: June 4, 2008

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UNITED STATES OF AMERICA,

Plaintiff,

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JEMAIN Z. DAVIS,

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ORDER

AND NOW, having considered Defendant Davis' Motion to Continue Sentencing Date, and there being no opposition thereto, IT IS HEREBY ORDERED that sentencing is continued to _____, 2008.

Judge